

PATENT**REMARKS**

Applicants thank the Examiner for the courtesy extended by him and his primary examiner during the recent telephonic interview. Preparation of this response has been beneficially informed by the comments made and shared understanding reached during the interview.

Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 were presented for examination and are pending in this application. In the latest Office Action, claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 were rejected. In this response, independent claims 6, 8, 25, 27, 36-38, 56, and 74-75 have been amended and new claims 90-92 have been added.

The Examiner rejected claims 2-4, 6, 13-15, 17-19, 21-23, 25, 74-77, 80, and 82-87 under 35 U.S.C. § 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343) in view of Reuhl (U.S. Patent No. 5,873,069). Applicants traverse this rejection because the references, alone or in combination, do not disclose or suggest the claimed invention.

Each of claims 2-4, 6, 13-15, 17-19, 21-23, and 25 discloses:

- “receiving ...from [the] at least one seller” a suggested price quotation, an agreed price, or a price reduction for a product/service, and
- “providing by [an] agent entity.... to at least another seller for review” the suggested price quotation, an agreed price, or a price reduction for the product/service received from the at least one seller, “wherein the agent entity is independent of the at least one seller and the at least another seller.”

Similarly, each of claims 74-77, 80, 82-87 discloses:

- “a communications interface configured to be used by an agent entity to provide to the second seller for review an agreed price for the product/service from the first seller or a price reduction for the product/service for at least one group size from the first seller, wherein the agent entity is independent of the sellers”.

Examiner admits that Pallakoff does not disclose this subject matter. (Office Action, p.6) Neither does Reuhl overcome this deficiency. Reuhl, at best, discloses: “the price-changing function of the system is responsive to competitive price data on identical or substantially similar

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products in multiple geographic markets for multiple competitors" (3:58-61) and "a Competitor Shopping Entry screen is used to input competitors' advertised prices and to update the user's prices in response to a competitor's advertised price". (15:12-13). Reuhl never discloses providing price information to another seller by an "agent entity [that] is independent of the [sellers]" as claimed. In fact, all that Reuhl discloses is a "*Competitor Shopping Entry screen*" (emphasis added) by which prices offered by a "competitor," who by definition is a seller that offers prices, can be tracked. The claimed subject matter is simply absent from each of the cited references, and the cited claims are patentable over Pallakoff and Ruehl.

The Examiner rejected claims 8-12, 27-33, 36, 38-39, 56-59, 64-73, and 89 under 35 U.S.C. § 103(a) as being unpatentable over Pallakoff in view of Skhedy (U.S. Patent No. 6,260,024). Applicants traverse this rejection because the references, alone or in combination, do not disclose or suggest the claimed invention.

Each of claims 8-12, 27-33, 56-59, and 64-73, and 89 discloses "a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller". Similarly, each of claims 36, 38-39 discloses "a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller."

Pallakoff does not disclose or suggest this subject matter. (Office Action, e.g. p. 12) Neither does Skhedy. At best, Skhedy discloses:

"Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200." (7:5-8)

However, as the disclosure states, the purpose of the "cryptographic protocols" is to "authenticate the identity of buyers and/or sellers", not to verify that buyers in a group "[have] a common employer, wherein the common employer is independent of the seller" as claimed. A review of Skhedy in its entirety discloses no hint of a "common employer" "requirement". Neither Skhedy or Pallakoff, alone or in combination, discloses or suggests the claimed subject matter. The cited claims are patentable over Pallakoff and Skhedy.

The Examiner rejected claims 16, 34-35, 37, 60-61, 81 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Pallakoff, in view of Reuhl and Skhedy. Applicants traverse this

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rejection because the references, alone or in combination, do not disclose or suggest the claimed invention.

Each of claims 33-34 and 60-61 discloses "a predetermined requirements list that requires a plurality of buyers in the group to have a common employer, wherein the common employer is independent of the seller". Claim 36 discloses "a predetermined membership requirement of having a common employer, wherein the common employer is independent of the seller." As discussed above, neither Pallakoff nor Skhedy suggests or discloses these elements. Neither does Ruehl supply the missing subject matter. Reuhl describes pricing systems for a conventional store environment. It never discloses "buyers in [] [a] group" much less that buyers in the group "have a common employer", or "a predetermined membership requirement of having a common employer" as claimed.

Claim 16 discloses:

- "receiving by an agent entity a suggested price quotation for the product/service from the at least one seller;" and
- "providing by the agent entity the suggested price quotation to at least another seller for review, wherein the agent entity is independent of the sellers".

Similarly, each of claims 81 and 88 discloses:

- "a communications interface configured to be used by an agent entity to provide to the second seller for review an agreed price for the product/service from the first seller or a price reduction for the product/service for at least one group size from the first seller, wherein the agent entity is independent of the sellers".

As discussed above, these elements are not disclosed or suggested by Pallakoff or Reuhl. Skhedy does not supply the missing elements. At best Skhedy discloses, "the potential buyer browses the list of available PPOs". (16:47-48) ("PPO" is defined in Skhedy as a "pooled purchase order." (2:48-49)) However, in Skhedy, it is the *buyer*, not the seller who reviews "PPOs". The claims recite "[providing] to" "at least another seller" or "the second seller" price information. None of the references contains the claimed elements.

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For at least the reasons cited above, Applicants respectfully submit that the pending claims are allowable over the cited references and request that the application be passed to issue. If the Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

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